

IN THE SENATE

SENATE BILL NO. 1136

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO SAFETY RESTRAINTS; AMENDING SECTION 49-315, IDAHO CODE, TO PROVIDE FOR NOTATIONS OF CERTAIN SAFETY RESTRAINT EXEMPTIONS ON DRIVER'S LICENSES; AMENDING SECTION 49-673, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN SAFETY RESTRAINT EXEMPTIONS; AND AMENDING SECTION 49-2444, IDAHO CODE, TO PROVIDE FOR NOTATIONS OF CERTAIN SAFETY RESTRAINT EXEMPTIONS ON IDENTIFICATION CARDS AND TO PROVIDE A CORRECT CODE REFERENCE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-315, Idaho Code, be, and the same is hereby amended to read as follows:

49-315. LICENSES ISSUED TO DRIVERS. (1) The department shall issue to every qualifying applicant a distinguishing driver's license as applied for, which shall bear a distinguishing number assigned to the licensee, the full name, date of birth, Idaho residence address, sex, weight, height, eye color, hair color, color photograph, name of this state, date of issuance, date of expiration, license class, endorsements, restrictions, and the applicant's signature. Driver's licenses for persons under eighteen (18) years of age shall include a notation "under 18 until (month, day, year)," and driver's licenses for persons eighteen (18) years of age to twenty-one (21) years of age shall include a notation "under 21 until (month, day, year)." No driver's license shall be valid until it has been signed on the signature line of the license by the licensee.

(2) Every driver's license shall bear a color photograph of the licensee, which shall be taken by the examiner at the time the application is made. The photograph shall be taken without headgear or other clothing or device that disguises or otherwise conceals the face or head of the applicant. A waiver may be granted by the department allowing the applicant to wear headgear or other head covering for medical, religious or safety purposes so long as the face is not disguised or otherwise concealed. At the request of the applicant, a driver's license may contain a statement or indication of the medical condition of the licensee.

(3) The department shall notify the commercial driver license information system that a class A, B or C driver's license has been issued as required by 49 CFR parts 383 and 384.

(4) A licensee applying for a hazardous material endorsement on a driver's license shall have a security background records check and shall receive clearance from the federal transportation security administration before the endorsement can be issued, renewed or transferred as required by 49 CFR part 383, subject to procedures established by the federal transportation security administration.

(5) A licensee who desires to donate any or all organs or tissue in the event of death, and who has completed a document of gift pursuant to the provisions for donation of anatomical gifts as set forth in chapter 34, title 39, Idaho Code, may, at the option of the donor, indicate

1 this desire on the driver's license by the imprinting of the word "donor" on the license. The
 2 provisions of this subsection shall apply to licensees sixteen (16) years of age or older but less
 3 than eighteen (18) years of age if the requirements provided in chapter 34, title 39, Idaho Code,
 4 have been complied with and the donor indicates this desire be placed on the license.

5 (6) A licensee who is a person with a permanent disability may request that the notation
 6 "permanently disabled" be imprinted on the driver's license, provided the licensee presents
 7 written certification from a licensed physician verifying that the licensee's stated impairment
 8 qualifies as a permanent disability according to the provisions of section 49-117, Idaho Code.

9 (7) A person applying for a license or renewal who presents written certification from
 10 a licensed physician verifying that the person qualifies as a person who is either entirely or
 11 partially exempt from the safety restraint requirements of section 49-673, Idaho Code, due to
 12 a medical condition, shall have the notation "safety restraint exemption" or "upper belt safety
 13 restraint exemption" imprinted on the back of the person's driver's license and the notation
 14 "MED" shall be imprinted in red on the front of the person's driver's license.

15 SECTION 2. That Section 49-673, Idaho Code, be, and the same is hereby amended to
 16 read as follows:

17 49-673. SAFETY RESTRAINT USE. (1) Except as provided in section 49-672, Idaho
 18 Code, and subsection (2) of this section, each occupant of a motor vehicle which has a gross
 19 vehicle weight of not more than eight thousand (8,000) pounds, and which was manufactured
 20 with safety restraints in compliance with federal motor vehicle safety standard no. 208, shall
 21 have a safety restraint properly fastened about his body at all times when the vehicle is in
 22 motion.

23 (2) The provisions of this section shall not apply to:

24 (a) An occupant of a motor vehicle who possesses a written statement from a licensed
 25 physician that he is unable for medical reasons to wear a safety restraint or any portion
 26 thereof and who has in his possession a current Idaho driver's license or identification
 27 card with a notation reflecting such safety restraint exemption;

28 (b) Occupants of motorcycles, implements of husbandry and emergency vehicles;

29 (c) Occupants of seats of a motor vehicle in which all safety restraints are then properly
 30 in use by other occupants of that vehicle; or

31 (d) Mail carriers.

32 (3) (a) A citation may be issued to:

33 (i) Any occupant of the motor vehicle aged eighteen (18) years or older who fails
 34 to wear a safety restraint as required in this section; and

35 (ii) The operator of the motor vehicle if the operator is aged eighteen (18) years
 36 or older and any occupant under eighteen (18) years of age fails to wear a safety
 37 restraint as required in this section. For purposes of this paragraph (a)(ii), it shall
 38 be deemed a single violation regardless of the number of occupants not properly
 39 restrained.

40 (b) A person issued a citation pursuant to this subsection shall be subject to a fine
 41 of ten dollars (\$10.00), with five dollars (\$5.00) of such fine to be apportioned to
 42 the catastrophic health care cost fund, as set forth in section 57-813, Idaho Code. A
 43 conviction under this subsection shall not result in violation point counts as prescribed in
 44 section 49-326, Idaho Code, nor shall such a conviction be deemed to be a moving traffic

violation for the purpose of establishing rates of motor vehicle insurance charged by a casualty insurer.

(4) A citation may be issued to the operator of the motor vehicle if the operator is under eighteen (18) years of age and the operator or any other occupant who is under eighteen (18) years of age fails to wear a safety restraint as required in this section. For purposes of this subsection, it shall be deemed a single violation regardless of the number of occupants not properly restrained. A person issued a citation pursuant to this subsection shall be subject to a fine of ten dollars (\$10.00), five dollars (\$5.00) of such fine to be apportioned to the catastrophic health care cost fund as set forth in section 57-813, Idaho Code, plus court costs. A conviction under this subsection shall not result in violation point counts as prescribed in section 49-326, Idaho Code. In addition, a conviction under this subsection shall not be deemed to be a moving traffic violation for the purpose of establishing rates of motor vehicle insurance charged by a casualty insurer.

(5) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when the operator of the motor vehicle has been detained for a suspected violation of another law.

(6) The department shall initiate and conduct an educational program, to the extent sufficient private donations or federal funds for this specific purpose are available to the department, to encourage compliance with the provisions of this section and to publicize the effectiveness of use of safety restraints and other restraint devices in reducing risk of harm to occupants of motor vehicles.

(7) The department shall evaluate the effectiveness of the provisions of this section and shall include a report of its findings in its annual evaluation report on the Idaho highway safety plan which it submits to the national highway traffic safety administration and federal highway administration pursuant to 23 U.S.C. section 402.

(8) The failure to use a safety restraint shall not be considered under any circumstances as evidence of contributory or comparative negligence, nor shall such failure be admissible as evidence in any civil action with regard to negligence.

SECTION 3. That Section 49-2444, Idaho Code, be, and the same is hereby amended to read as follows:

49-2444. IDENTIFICATION CARD ISSUED – FOUR-YEAR OR EIGHT-YEAR. (1) The department shall issue a distinguishing identification card which shall set forth the information contained in the application, in a form as prescribed by the department. All identification cards issued on or after January 1, 1993, shall not contain the applicant's social security number. An applicant's social security number shall be exempt from disclosure except for inquiries from agencies or institutions authorized to obtain such information by federal law or regulation, from peace officers or from jury commissioners. Each card shall have printed on it the applicant's full name, date of birth, Idaho residence address, sex, weight, height, eye color, hair color, and shall be issued a distinguishing number assigned to the applicant. Each card shall also have printed on it the name of this state, the date of issuance, and the date of expiration. An identification card shall not be valid until it has been signed on the signature line by the applicant. Each card shall bear upon it a color photograph of the applicant which shall be taken by the examiner at the time of application. The photograph shall be taken without headgear or other clothing or device that disguises or otherwise conceals the face or head of the applicant. A waiver may be granted by the department allowing the applicant to

1 wear headgear or other head covering for medical, religious or safety purposes so long as the
2 face is not disguised or otherwise concealed. At the request of the applicant, an identification
3 card may contain a statement or indication of the medical condition of the applicant.

4 No person shall receive an identification card unless and until he surrenders to the
5 department all identification cards in his possession issued to him by Idaho or any other
6 jurisdiction, or any driver's license issued by any other jurisdiction within the United States,
7 or until he executes an affidavit that he does not possess an identification card or any driver's
8 license.

9 Identification cards issued to persons under eighteen (18) years of age shall include a
10 notation "under 18 until (month, day, year)," and identification cards issued to persons eighteen
11 (18) years of age to twenty-one (21) years of age shall include a notation "under 21 until
12 (month, day, year)." The nonrefundable fee for a four-year identification card issued to persons
13 twenty-one (21) years of age or older shall be seven dollars and fifty cents (\$7.50) of which
14 five dollars (\$5.00) shall be retained by the county and credited to the current expense fund,
15 and two dollars and fifty cents (\$2.50) shall be deposited in the state treasury to the credit
16 of the highway distribution account. The nonrefundable fee for identification cards issued to
17 persons under twenty-one (21) years of age shall be six dollars and fifty cents (\$6.50), of which
18 five dollars (\$5.00) shall be retained by the county and credited to the current expense fund,
19 and one dollar and fifty cents (\$1.50) shall be deposited in the state treasury to the credit of
20 the highway distribution account. The nonrefundable fee for an eight-year identification card
21 shall be fifteen dollars (\$15.00) of which ten dollars (\$10.00) shall be retained by the county
22 and credited to the current expense fund, and five dollars (\$5.00) shall be deposited in the
23 state treasury to the credit of the highway distribution account. At the option of the applicant,
24 the identification card issued to a person twenty-one (21) years of age or older shall expire
25 either on the cardholder's birthday in the fourth year or the eighth year following issuance of
26 the card, except as otherwise provided in subsection (3) of this section. Every identification
27 card issued to a person under eighteen (18) years of age shall expire five (5) days after the
28 person's eighteenth birthday, except as otherwise provided in subsection (3) of this section.
29 Every identification card issued to a person eighteen (18) years of age but under twenty-one
30 (21) years of age shall expire five (5) days after the person's twenty-first birthday, except as
31 otherwise provided in subsection (3) of this section.

32 Individuals required to register in compliance with section 3 of the federal military
33 selective service act, 50 U.S.C. App. 451 et seq., as amended, shall be provided an opportunity
34 to fulfill such registration requirements in conjunction with an application for an identification
35 card. Any registration information so supplied shall be transmitted by the department to the
36 selective service system.

37 (2) Every identification card, except those issued to persons under twenty-one (21) years
38 of age, shall be renewable on or before its expiration, but not more than twelve (12) months
39 before, and upon application and payment of the required fee.

40 (3) Every identification card issued to a person who is not a citizen or permanent
41 legal resident of the United States shall have an expiration date that is the same date as the
42 end of lawful stay in the United States as indicated on documents issued and verified by the
43 department of homeland security, provided however, that the expiration date shall not extend
44 beyond the expiration date for the same category of identification card issued to citizens.
45 Persons whose department of homeland security documents do not state an expiration date

1 shall be issued an identification card with an expiration date of one (1) year from the date of
2 issuance.

3 (4) When an identification card has been expired for less than twelve (12) months, the
4 renewal of the identification card shall start from the original date of expiration regardless of
5 the year in which the application for renewal is made. If the identification card is expired
6 for more than twelve (12) months, the application shall expire, at the option of the applicant,
7 on the applicant's birthday in the fourth year or the eighth year following reissuance of the
8 identification card, except as otherwise provided in subsection (3) of this section.

9 (5) A person possessing an identification card who desires to donate any or all organs
10 or tissue in the event of death, and who has completed a document of gift pursuant to the
11 provisions for donation of anatomical gifts as set forth in chapter 34, title 39, Idaho Code, may,
12 at the option of the donor, indicate this desire on the identification card by the imprinting of
13 the word "donor" on the identification card. The provisions of this subsection shall apply to
14 persons possessing an identification card who are sixteen (16) years of age or older but less
15 than eighteen (18) years of age if the requirements provided in chapter 34, title 39, Idaho Code,
16 have been complied with.

17 (6) A person possessing an identification card or an applicant for an identification
18 card who is a person with a permanent disability may request that the notation "permanently
19 disabled" be imprinted on the identification card, provided the person presents written
20 certification from a licensed physician verifying that the person's stated impairment qualifies as
21 a permanent disability according to the provisions of section 49-117, Idaho Code.

22 (7) A person applying for an identification card or renewal of an identification card who
23 presents written certification from a licensed physician verifying that the person qualifies as
24 a person who is either entirely or partially exempt from the safety restraint requirements of
25 section 49-673, Idaho Code, due to a medical condition, shall have the notation "safety restraint
26 exemption" or "upper belt safety restraint exemption" imprinted on the back of the person's
27 identification card and the notation "MED" shall be imprinted in red on the front of the person's
28 identification card.

29 (8) In the case of a name change, the applicant shall provide legal documentation to
30 verify the change in accordance with department rules.

31 (89) Whenever any person, after applying for or receiving an identification card, shall
32 move from the address shown on the application or on the identification card issued, that person
33 shall, within thirty (30) days, notify the transportation department in writing of the old and new
34 addresses.

35 (910) The department shall cancel any identification card upon determining that the
36 person was not entitled to the issuance of the identification card, or that the person failed to
37 give the required and correct information in his application or committed fraud in making the
38 application. Upon cancellation, the person shall surrender the canceled identification card to
39 the department.

40 (101) If any person shall fail to return to the department the identification card as
41 required, the department may direct any peace officer to secure its possession and return the
42 identification card to the department.

43 (142) The department may issue a no-fee identification card to an individual whose
44 driver's license has been canceled and voluntarily surrendered as provided in section 49-322(4),
45 Idaho Code. The identification card may be renewed at no cost to the applicant as long as the
46 driver's license remains canceled.

1 (123) It is an infraction for any person to fail to notify the department of a change of
2 address as required by the provisions of subsection (~~89~~) of this section.